

THIS DISPOSITION IS NOT  
CITABLE AS PRECEDENT OF  
THE TTAB

Mailed: May 31, 2005  
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UNITED STATES PATENT AND TRADEMARK OFFICE

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Trademark Trial and Appeal Board

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In re Glaze, Inc.

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Serial No. 76528004

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Myron Amer for Glaze, Inc.

Robert Clark, Trademark Examining Attorney, Law Office 108  
(Andrew Lawrence, Managing Attorney).

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Before Hairston, Walters and Holtzman, Administrative  
Trademark Judges.

Opinion by Hairston, Administrative Trademark Judge:

Glaze, Inc., on June 27, 2003, filed an intent-to-use  
application to register the mark MIRROR MIRROR for a  
"double mirror with arm extension."<sup>1</sup>

The trademark examining attorney has refused  
registration of applicant's mark under Section 2(e)(1) of  
the Trademark Act on the ground that when used in

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<sup>1</sup> Applicant voluntarily disclaimed the "second" MIRROR apart from  
the mark as shown.

connection with applicant's goods, MIRROR MIRROR would be merely descriptive of them.

When the refusal was made final, applicant appealed. Applicant and the examining attorney have filed briefs, but an oral hearing was not requested.

It is the examining attorney's position that MIRROR is merely descriptive of a characteristic of applicant's goods in that they are mirrors; and that applicant's combined mark MIRROR MIRROR does not create a new or different commercial impression, but rather is equally descriptive of applicant's goods.<sup>2</sup> Further, the examining attorney argues that the disclaimer of the second MIRROR does not render the mark MIRROR MIRROR any less descriptive of applicant's goods that are mirrors.

Applicant, in urging reversal of the refusal to register, contends that the disclaimer of the second MIRROR makes the mark as a whole less descriptive, and that the

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<sup>2</sup> In his July 27, 2004 office action the examining attorney states that advertisements from YAHOO! which purportedly show use of MIRROR MIRROR in connection with mirrors are attached. In his brief on the case, the examining attorney again notes that the YAHOO! advertisements were attached to his July 27, 2004 office action. However, the advertisements are not in the TICSRS file of the involved application and applicant has not acknowledged or discussed the advertisements. Under the circumstances, we will not presume that the advertisements accompanied the office action. Thus, in reaching our decision herein, we have not relied on the examining attorney's statements concerning the advertisements.

combined mark MIRROR MIRROR has a bizarre meaning as used in connection with applicant's goods. Further, applicant contends that purchasers may associate MIRROR MIRROR with the chant in the Cinderella fairytale of "Mirror mirror on the wall..."

A term is deemed to be merely descriptive of goods or services, within the meaning of Section 2(e)(1) of the Trademark Act, if it forthwith conveys an immediate idea of an ingredient, quality, characteristic, feature, function, purpose or use of the goods or services. In re Abcor Development Corp., 588 F.2d 811, 200 USPQ 215, 217 (CCPA 1978). A term need not immediately convey an idea of each and every specific feature of the applicant's goods or services in order to be considered merely descriptive. Rather, it is enough that that the term describes one significant attribute, function or property of the goods or services. In re Gyulay, 820 F.2d 1216, 1217, 3USPQ2d 1009, 1009 (Fed. Cir. 1987). Whether a term is merely descriptive is determined not in the abstract, but in relation to the goods or services for which registration is sought, the context in which it is being used on or in connection with those goods or services, and the possible significance that the term would have to the average purchaser of the goods or services because of the manner of

its use. In re Bright-Crest, Ltd., 204 USPQ 591, 593 (TTAB 1979).

While we have carefully considered applicant's arguments, we are not persuaded thereby. A brochure submitted by applicant shows that its goods consist of a large mirror and a small mirror connected by a swivel arm. There is simply no question that MIRROR is merely descriptive of applicant's goods. We also find that the combined mark MIRROR MIRROR is equally descriptive of the goods and the disclaimer does not render the mark any less descriptive. Applicant argues that combining MIRROR and MIRROR into MIRROR MIRROR creates a mark with a bizarre meaning, but applicant does not explain specifically what that meaning is, or why the composite is any less descriptive than the single word MIRROR. As noted by the examining attorney, the Board's finding in In re Disc Jockeys Incorporated, 23 USPQ2d 1715, 1715 (TTAB 1992) involving the mark DJDJ for providing disc jockey services, is equally applicable here:

If one were to express the view that milk was "creamy creamy" or that a red bicycle was "red red" or that a razor was "sharp sharp", the repetition of the words "creamy", "red" and "sharp" would be understood as emphasis and the combinations of these words would not, simply because of their repetition, be rendered something more than descriptive. Nothing new or different is imparted by the simple repetition of

the descriptive expression DJ. Thus, the composite expression is, in our view, equally descriptive as used in connection with the identified services.

In this case, to the extent that anything more would be imparted by the repetition of the descriptive word MIRROR, it would be that applicant's goods consist of two mirrors, a meaning that is also descriptive of applicant's goods. Moreover, even assuming that purchasers would associate the chant in the Cinderella fairytale with applicant's goods, the primary meaning of MIRROR MIRROR in the context of applicant's goods is that of a double mirror.

In view of the foregoing, we conclude that applicant's mark MIRROR MIRROR is merely descriptive of a double mirror with arm extension.

**Decision:** The refusal to register under Section 2(e)(1) of the Trademark Act is affirmed.